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PATENT
ATTORNEY DOCKET NO. 040894-7483

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Minoru YASUIKE, et al.)	
)	
U.S. Application No.: 10/588,713)	Confirmation No.: 2433
)	
Filed: August 8, 2006)	Group Art Unit: 3721
)	
For: END CAP OF AIR-DRIVEN TOOL)	Examiner: LOPEZ, Michelle

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated November 12, 2008.
2. Additional papers enclosed:
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$245.00
<input type="checkbox"/> three months	\$1,110.00	\$555.00
<input type="checkbox"/> four months	\$1,730.00	\$865.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for __ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	5	minus	20	0	x \$52 each=	+ \$ -0
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$220 each=	+ \$ -0-
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$390.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ -0-

6. Fee Payment

☒ No fee is to be paid at this time.

☐ Please charge the Deposit Account No. No. 50-0310 in the amount of \$00.00 for one month extension fee.

☐ The Commissioner is hereby authorized to charge any fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 12, 2009

By:

Mary Jane Boswell

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Reg. No. 33,652

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